



MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Bogue, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Zermeno, McKillop, Sacks, Caveglia, Halliday
 CHAIRPERSON Bogue
 Absent: COMMISSIONER Thnay

Staff Members Present: Anderly, Pearson, Conneely, Gaber, Reyes

Approximately 14

PUBLIC COMMENT

There were no public comments.

AGENDA

1. **Appeal of the Planning Director's Approval of Site Plan Review Application No. PL-2002-0374 (Modification of Zone Change 78-2) and Tentative Parcel Map 7890 – Holly Hartman (Applicant) / Kong Yu (Owner) – Request to Subdivide a 3.5 Acre Parcel into 3 Lots and to Build 2 New Homes on Barn Rock Drive – The Project is Located at 28750 Hayward Blvd., near Bailey Ranch Road**
2. **Modification of Conditional Use Permit No. 01-160-05 – Donald Imwalle (Applicant) / Target Corporation (Owner) - Request for Multi-Tenant Retail Pad Building – The Project is Located at the Northeast Corner of Whipple Road and Industrial Parkway Southwest within the Target Project
 (to be continued to a date uncertain)**
3. **Revocation of Use Permit No. 99-160-18 – James Miller & Associates (Applicant) Big "O" Tires, Inc. (Owners) – Use Permit Application for a Big "O" Auto Service Center and the Revocation of Site Plan Review No. 00-130-09 – Daniel Gibbs, CEI Engineering Associates (Applicant) / AutoZone (Owners) - Site Plan Review Application for an AutoZone Retail Auto Parts Store – The Project is Located at 28000 Mission Blvd. between Webster and Hancock Streets**
4. **Zone Change No. PL-2003-0101 – Request to Change the Zone from Office Commercial (CO) to Neighborhood Commercial (CN), Site Plan Review No. PL-2002-0565 – Request to Convert an Office Building into a Retail Center, Variance No. PL-2003-0100 – Request to Allow for the Reduction in the Required Parking Stalls - Eddy Shen (Applicant) / Ba Le (Owner) – The Project is Located at 24790 Amador Street – (to be continued to May 22, 2003)**

PUBLIC HEARINGS

1. **Appeal of the Planning Director's Approval of Site Plan Review Application No. PL-2002-0374 (Modification of Zone Change 78-2) and Tentative Parcel Map 7890 – Holly Hartman (Applicant) / Kong Yu (Owner)** – Request to Subdivide a 3.5 Acre Parcel into 3 Lots and to Build 2 New Homes on Barn Rock Drive – The Project is Located at 28750 Hayward Blvd., near Bailey Ranch Road

Associate Planner Pearson provided the staff report, noting the changes in the plan from that which the neighbors first saw eliminating the roof decks, orienting the garages toward the street, six foot deep balcony over the garages, and raised side yards. This plan satisfies the design guidelines with raised side yards providing more usable side yards. Existing surrounding subdivision is on platform pads, which was no longer allowed after the adoption of the design guidelines. He noted that a neighbor appealed the project because of the raised side yards and the multiple-level houses.

Chairperson Bogue opened the public hearing at 7:38 p.m.

Bill Graves lives across the street from the project. He was concerned with clutter and storage at exposed deck.

Commissioner McKillop asked about a homeowners association.

Mr. Graves said there is none.

Chairperson Bogue asked about the balconies and his concern with decks that are exposed.

Rick Hartman, architect for the project, said it was a challenge to give the houses a backyard without a yard. He noted that these decks are the backyards for these homes. He noted that the railing on the balcony is a solid rail of 36-inches.

Commissioner Halliday asked for a further description of the access from the home to the deck.

Commissioner Caveglia complimented the architect on maintaining the Hillside Design Guidelines. He said he appreciated the design.

Yvonne Graves said they comprise a back yard. The space does not allow for this size of a home.

The public hearing was closed at 7:47 p.m.

Commissioner Caveglia **moved**, seconded by Commissioner Halliday, to uphold the Planning Director's approval and deny the appeal.

Commissioner Zermeño suggested that if the patios become cluttered perhaps Community Preservation might enforce the area.



Planning Manager Anderly explained that rarely do they enforce clutter in side yards, which is what this would be.

Commissioner Halliday indicated that this is similar to a front porch. She agreed that these houses fit into this property. They are nice looking houses.

Commissioner Sacks said she appreciated the concerns of the neighbors and did not minimize the neighbors concern. Since these are pricey enough properties they should be properly maintained.

Commissioner McKillop said her initial concern was also a mess on the decks. But realizing they were 20-feet in the air, they would not be visible from most places. She would support the motion.

Chairperson Bogue said he had equal concerns. With the slope of the property, there will be more visibility than assumed. He then asked whether the Commission could place a condition as to what might be stored on the deck.

Planning Manager Anderly said they could, but wondered about enforcement.

Commissioner McKillop said that, since these homes have 3-car garages, the norm is to store things in garages when there is no storage in the home itself.

Commissioner Sacks said there is no guarantee that other neighbors will not leave messes in their own yards.

Chairperson Bogue said this is why he was concerned.

Commissioner Caveglia discussed the fact that regulating what people have on their porches is moving into government intrusion into the lives of citizens.

Commissioner Halliday commented that the patio portion would not be visible from the street. She said there is other space on the property for storage.

The motion **carried** by the following vote:

AYES:	COMMISSIONERS Halliday, Caveglia, Sacks, McKillop, Zermeño
NOES:	CHAIRPERSON Bogue
ABSENT:	COMMISSIONER Thnay

ABSTAIN: None

2. **Modification of Conditional Use Permit No. 01-160-05 – Donald Imwalle (Applicant) / Target Corporation (Owner) - Request for Multi-Tenant Retail Pad Building – The Project is Located at the Northeast Corner of Whipple Road and Industrial Parkway Southwest within the Target Project**

(To be continued to a date uncertain)

3. **Revocation of Use Permit No. 99-160-18 – James Miller & Associates (Applicant) Big "O" Tires, Inc. (Owners) – Use Permit Application for a Big "O" Auto Service Center and the Revocation of Site Plan Review No. 00-130-09 – Daniel Gibbs, CEI Engineering Associates (Applicant) / AutoZone (Owners) - Site Plan Review Application for an AutoZone Retail Auto Parts Store – The Project is Located at 28000 Mission Blvd. between Webster and Hancock Streets**

Planning Manager Anderly described the process. Big “O” did apply for a building permit, but they indicated they would not mind having their use permit revoked. AutoZone never applied for either.

The public hearing was opened and closed at 7:54 p.m., with no public input.

Chairperson Bogue said it was important for the Commission to hear this item because they had initially approved the permits.

Commissioner Caveglia **moved**, seconded by Commissioner Zermeño, to revoke the permit and site plan review.

Commissioner Zermeño asked whether there has been other interest shown in the location.

Planning Manager Anderly responded that a hotel has expressed interest in the south side of the lot.

Commissioner Sacks noted that when this was first approved, a traffic light for Hancock was also approved.

Planning Manager Anderly said it is in.

The **motion passed unanimously**, with Commissioner Thnay absent.

4. **Zone Change No. PL-2003-0101 – Request to Change the Zone from Office Commercial (CO) to Neighborhood Commercial (CN), Site Plan Review No. PL-2002-0565 – Request to Convert an Office Building into a Retail Center, Variance No. PL-2003-0100 – Request to Allow for the Reduction in the Required Parking Stalls - Eddy Shen (Applicant) / Ba Le (Owner) – The Project is Located at 24790 Amador Street – (to be continued to May 22, 2003)**

ADDITIONAL MATTERS

5. Oral Report on Planning and Zoning Matters

Planning Manager Anderly announced that staff would be asking for input from members at the next meeting for planning issues to be placed on the City’s website. Whatever members think the public might be interested in.

**6. Commissioners' Announcements, Referrals**

Commissioner Sacks discussed proposed legislation, AB 1268, which would require all California cities to do three things: Define a smart growth zone where all new development would go for the next 20 years; take stock of available land to develop in City centers instead of out in the Greenbelt areas; and insure that 20 percent of all housing is affordable to very low, to low-income homebuyers. She thought it was interesting and wondered whether staff knew any more about the legislation.

Commissioner Halliday asked about the two large, empty spaces at the Jackson Square Shopping Center on Jackson and Santa Clara.

Planning Manager Anderly said there has been serious interest by two retailers in the former Rite-Aid.

Commissioner Caveglia than asked what was happening with the old Lyon's Restaurant on Foothill.

Planning Manager Anderly said it has been a challenging project and will become a Chinese restaurant. Staff is presently working with the owners.

APPROVAL OF MINUTES

- March 13, 2003 - Approved
- March 27, 2003 - Approved, with Commissioner Zermeno abstaining

ADJOURNMENT

The meeting was adjourned by Chairperson Bogue at 8:09 p.m.

APPROVED:

Barbara Sacks, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary